

Emergency Substantial Risk Order (ESRO) law

<https://everytownresearch.org/report/extreme-risk-laws-save-lives/>

Virginia

<https://www.fairfaxcounty.gov/topics/red-flag>

Upon the reporting of a credible concern to the Office of the Commonwealth Attorney or a law-enforcement officer, the Fairfax County Police Department will:

- Conduct an independent investigation, which determines whether or not the subject of the order possesses a substantial risk to themselves or others in the near future by being in possession of or acquiring a firearm.
- Seek a court order from a magistrate or judge of the Circuit Court, General District Court or Juvenile and Domestic Relations District Court to temporarily remove a gun or guns from individuals who have been determined to be an immediate danger to themselves or others.

There will be a court hearing within 14 days of issuance.

The ESRO law requires, for the duration of the order:

- Temporary removal of guns from the subject of the order
- The subject of the order relinquish their concealed handgun permit to the courts
- Prohibits new gun purchases by the subject of the order

The ESRO law allows for the subject of an order to file an appeal to dissolve the order, no earlier than 30 days from the date the order was issued.

Maryland

<https://www.mdcourts.gov/district/ERPO>

Complete the petition and addendum forms

- A petitioner who, in good faith, files a Petition for Extreme Risk Protective Order is not civilly or criminally liable for filing the petition

File the petition

- File the Petition for Extreme Risk Protective Order and addendum forms in District Court.

Appear for a temporary hearing

- The judge may issue a temporary order if he/she reasonably believes the respondent, by having firearms, poses an immediate and present danger of causing injury to himself/herself, you, or others.

Appear for a final hearing

- Usually, the court will schedule a hearing within seven (7) days after the respondent is served the Temporary ERPO.
- The judge may hold the final hearing with or without the respondent being present if the respondent has been served. A final hearing may not be held without service on the respondent.

- The Final ERPO period can be as long as one (1) year.
- The court can extend the Final ERPO for an additional six (6) months (for good cause) after notifying the parties and holding a subsequent hearing.

District of Columbia

<https://ovsjg.dc.gov/page/extreme-risk-protection-orders>

- If someone in the District is a danger to themselves or others, you can have their guns removed.
- To begin the removal process, file a free paper form with the DC Superior Court to request an “Extreme Risk Protection Order” (ERPO).
- You must have a family, romantic, or cohabiting relationship with the individual, or be a police officer or mental health professional.
- A temporary order can be issued within one business day.
- Within 2 weeks, you and the subject of the order will both be called to present evidence before a judge.
- If granted, the final order will apply for up to one year at a time.
- Individuals who surrender guns or ammunition peaceably cannot be arrested or prosecuted for unlawful possession, although they can still be charged with crimes involving those weapons.